

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

CHRISTINA CARLISLE,)
)
Plaintiff,)
)
v.) CIVIL NO. 1:07-CV-00082
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

OPINION AND ORDER

This matter is before the Court on a Motion of Award of Attorney's Fees Pursuant to the Equal Access to Justice Act filed by Plaintiff Christina Carlisle on April 7, 2008. (Docket # 25.) Defendant Commissioner of Social Security has apparently declined to file a response.

On January 22, 2008, this Court entered an Opinion and Order remanding this case to the Social Security Administration for further proceedings. (Docket # 23.) Carlisle is now seeking \$2,640.00 in attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The EAJA states that "[e]xcept as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses . . . incurred by that party in any civil action . . . brought by or against the United States . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." 28 U.S.C. § 2412(d)(1)(A). Here, the Commissioner apparently concedes that an award of fees is appropriate since it has declined to file a response.

Accordingly, Carlisle's request for attorney fees will be granted.

CONCLUSION

For the foregoing reasons, Carlisle's motion for award of attorney's fees under the EAJA (Docket # 25) is GRANTED in the amount of \$2,640.00.

Enter for April 28, 2008.

S/ Roger B. Cosby
Roger B. Cosby
United States Magistrate Judge